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9 Attorney for Defendant - Josiah Gasior

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12 * * *

13 UNITED STATES OF AMERICA,) 2:20-MJ-633-VCF
14)
15)
16 Plaintiff,)
17 v.)
18)
19 JOSIAH GASIOR,)
20)
21 Defendant.)
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29 **STIPULATION AND ORDER TO AMEND CHARGE TO RECKLESS DRIVING**

30 IT IS HEREBY STIPULATED AND AGREED by and between ANDREW FRITZ,
31 ESQ., Counsel for Defendant JOSIAH GASIOR, and ANGELICA MARMORSTEIN, ESQ.,
32 Assistant United States Attorney, that if Defendant completes all sentencing obligations within
33 (6) six months of the sentencing date, the Court will allow Defendant to withdraw the current
34 plea of guilty to Count 1: Operating a Motor Vehicle while Under the Influence of Alcohol a
35 violation of Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor, and enter a plea of guilty to an
36 amended Count 1: Reckless Driving a violation of Title 36 C.F.R. §4.2 and N.R.S. 484B.653.

37 This Stipulation is entered into for the following reasons:

- 38 1. On March 16, 2022, Defendant, Josiah Gasior, plead guilty to Operating

a Motor Vehicle while Under the Influence of Alcohol, a violation of Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor.

2. On March 22, 2022, Defendant completed the victim impact panel (certificate attached).
3. On April 11, 2022, Defendant completed the Nevada DUI 8-hour online course (certificate attached).
4. On July 13, 2022, Defendant paid the \$1,510.00 fine (receipt attached).
5. On August 9, 2022, Defendant completed a 16 hour Drug and Alcohol Awareness class (certificate attached).
6. The Guilty Plea Agreement states if, Defendant completes all sentencing obligations within (6) six months of the sentencing date, the Court will allow Defendant to withdraw the current plea of guilty to Count 1: Operating a Motor Vehicle while Under the Influence of Alcohol a violation of Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor, and enter a Plea of Guilty to an amended Count 1: Reckless Driving a violation of Title 36 C.F.R. §4.2 and N.R.S. 484B.653.
7. Defendant completed all his sentencing obligations on August 9, 2022, which is within the required six month period.

DATED: October 24 2022.


ANDREW FRITZ, ESQ.
Attorney for Defendant GASIOR


ANGELICA MARMORSTEIN, ESQ.
Assistant United States Attorney

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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**
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11 UNITED STATES OF AMERICA,) 2:20-MJ-633-VCF
12)
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14 Plaintiff,)
15 v.)
16)
17 JOSIAH GASIOR,)
18)
19 Defendant.)
20

21 **FINDINGS OF FACT**

22 Based on the pending Stipulation of counsel, and good cause appearing therefore,
23 the Court finds:

24 This Stipulation is entered into for the following reasons:

- 25 1. On March 16, 2022, Defendant, Josiah Gasior, plead guilty to Operating
26 a Motor Vehicle while Under the Influence of Alcohol, a violation of
27 Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor.
28 2. On March 22, 2022, Defendant completed the victim impact panel.
(certificate attached)

- 1 3. On April 11, 2022, Defendant completed the Nevada DUI 8-hour online
- 2 course. (certificate attached)
- 3
- 4 4. On July 13, 2022, Defendant paid the \$1,510.00 fine (receipt attached).
- 5
- 6 5. On August 9, 2022, Defendant completed a 16 hour Drug and Alcohol
- 7 Awareness class (certificate attached).
- 8
- 9 6. The Guilty Plea Agreement states if, Defendant completes all
- 10 sentencing obligations within (6) six months of the sentencing date,
- 11 the Court will allow Defendant to withdraw the current plea of guilty to
- 12 Count 1: Operating a Motor Vehicle while Under the Influence of Alcohol
- 13 a violation of Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor,
- 14 and enter a Plea of Guilty to an amended Count 1: Reckless Driving a
- 15 violation of Title 36 C.F.R. §4.2 and N.R.S. 484B.653.
- 16 7. Defendant completed all his sentencing obligations on August 9, 2022,
- 17 which is within the required six month period.

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CONCLUSIONS OF LAW

The Defendant completed all sentencing obligations on August 9, 2022, within (6) six months of the sentencing date. Defendant is allowed to withdraw the current plea of guilty to Count 1: Operating a Motor Vehicle while Under the Influence of Alcohol a violation of Title 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor, and enter a plea of guilty to an amended Count 1: Reckless Driving a violation of Title 36 C.F.R. §4.2 and N.R.S. 484B.653, and to close this case.

ORDER

IT IS HEREBY ORDERED:

DATED this 4th day of November, 2022.



**HONORABLE CAM FERENBACH
U.S. MAGISTRATE JUDGE**